

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANITA ARRINGTON-BEY, etc.,)
Plaintiffs,)
)
v.) Case No. 1:14CV02514
) Judge Patricia A. Gaughan
CITY OF BEDFORD HEIGHTS,)
et al.,)
Defendants.)

THE DEPOSITION OF SERGEANT PHILLIP CHOW
MONDAY, MARCH 9, 2015

The deposition of SERGEANT PHILLIP CHOW, a witness, taken as if upon cross-examination by the Plaintiffs, under the Federal Rules of Civil Procedure, taken before me, Janet M. Hoffmaster, Registered Professional Reporter and Notary Public in and for the State of Ohio, pursuant to Notice, at the offices of Friedman & Gilbert, 55 Public Square, Suite 1055, Cleveland, Ohio commencing at 1:30 p.m., the day and date above set forth.

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EXHIBIT

M

1 A. Yes.

2 Q. Well, what did you see when you came in there?

3 A. Officer Honsaker said that the subject was just
4 talking about everything.

5 Q. Did you hear from Officer Honsaker that Omar was
6 arrested with pills?

7 A. I don't recall.

8 Q. And what did you -- how did you respond when
9 Honsaker said that he's just talking about everything?

10 A. Does he seem okay?

11 Q. And what did Honsaker say?

12 A. He's just talking about everything.

13 Q. That's all he said.

14 A. Yeah.

15 Q. Well, what did he say when you asked him if Omar
16 was okay.

17 A. He said he seems fine.

18 Q. He seems fine?

19 And when you asked that question, is he okay,
20 why would you ask that? What was in your mind that
21 caused you to ask that question?

22 A. I always ask if the prisoner is okay.

23 Q. It wasn't anything particular.

24 A. No.

25 Q. So any time you walk by intake and there's an

1 Q. And was Omar rambling and talking about all
2 kinds of stuff at that time?

3 A. I believe so.

4 Q. Do you remember what he was saying?

5 A. No.

6 Q. Do you remember, you know, if he was sweating or
7 not?

8 A. I don't remember.

9 Q. Did you see any part of the booking process?

10 A. No.

11 Q. Well, when you told Clar, according to his notes
12 anyway, that Bey was ranting and raving when being
13 booked, did you or did you not actually see him being
14 booked?

15 A. No. They moved him to a room by himself.

16 Q. And what's in that room?

17 A. I believe a cot.

18 Q. Like a -- is it a cell?

19 A. Yes.

20 Q. So the person goes to the cell before they're
21 booked.

22 A. Right. He was not cooperating with being
23 booked, so they put him in the cell until he calmed
24 down.

25 Q. How do you know he was not being cooperative

1 A. By that time he would have came in through the
2 main doors.

3 Q. And you don't remember which one you came
4 through, do you?

5 A. The main doors.

6 Q. The main doors?

7 A. Yes.

8 Q. Okay. So you came into the area where the
9 bathroom was. Right?

10 A. Yes.

11 Q. And there was a CO outside the door.

12 A. Yes.

13 Q. And did you hear any noise or any talking coming
14 from inside the bathroom?

15 A. No.

16 Q. Did you see Omar come out of the bathroom?

17 A. Yes.

18 Q. And what was his demeanor at that point?

19 A. He wanted his cell phone.

20 Q. He wanted his cell phone.

21 A. Yes.

22 Q. Where was his cell phone; do you know?

23 A. No.

24 Q. And what did he say about the cell phone?

25 A. He said he had million dollar plans on his cell

1 phone.

2 Q. He has what?

3 A. Million dollar plans on his cell phone.

4 Q. Did that seem odd to you?

5 A. No.

6 Q. Did that seem like a normal conversation?

7 A. Yes.

8 Q. And this is after you heard somebody talk about
9 he was flashing his genitals?

10 A. Yes.

11 Q. Did they tell you where he was flashing his
12 genitals?

13 A. No.

14 Q. Somewhere in the jail, right?

15 A. Yes.

16 Q. Did they tell you anything else?

17 A. I don't remember.

18 Q. And so Omar comes out and he's talking about a
19 million dollar cell phone plan. Right?

20 Anything else?

21 A. I told him if we had his cell phone that he
22 would get it back, or if we gave it to his mom, his mom
23 would have it.

24 Q. And what did he say?

25 A. He said okay.

1 Q. Did you notice if he was sweating or perspiring
2 or anything like that?

3 A. I don't remember.

4 Q. And was he handcuffed?

5 A. No.

6 Q. And do you escort him back to his cell?

7 A. No. I was just standing there as he left the
8 bathroom to the cell.

9 Q. And is it a regular cell that he was in?

10 A. I believe so.

11 Q. And no one handcuffed him when they took him
12 back to the cell?

13 A. No.

14 Q. Did you hear anything as he was taken back to
15 the cell?

16 A. Other than the phone, I don't remember.

17 Q. How about when he was back in the cell, did you
18 notice anything?

19 A. I don't remember. The phone is what stands out.

20 Q. You indicated that this was -- in the report
21 that I'm reading, and I know this is not your words,
22 it's Clar's, but maybe you can help me with it.

23 It says, Sergeant Chow also reported that at
24 approximately 1300 hours -- that's 1:00 p.m., right?

25 A. Yes.

1 A. I don't remember, other than stop resisting.

2 Q. Whose decision was it to get the chair?

3 A. I don't know.

4 Q. When you picked up -- when you watched Omar
5 getting picked up from the ground, was he moving?

6 A. I don't remember.

7 Q. Was there a point in time when you thought he
8 was unresponsive?

9 A. When we were trying to put him in the chair,
10 somebody said he was unresponsive.

11 Q. And have you ever had any experience using that
12 chair?

13 A. Yes.

14 Q. Describe the chair to me.

15 A. It's a restraint chair with straps. You strap
16 their arms down and you strap their legs down.

17 Q. Does it have wheels on it?

18 A. Yes.

19 Q. And so did you see him get into the chair?

20 A. Yes. I think I was trying to strap maybe his
21 left arm down.

22 Q. He was unresponsive by the time he was in the
23 chair. Correct?

24 A. I don't remember.

25 Q. Well, was he resisting while in the chair?

1 hear?

2 A. I heard thumping and screaming from the jail.

3 Q. And you could hear that from the day room there,
4 the duty room?

5 A. Yes.

6 Q. How close is that to the jail?

7 A. It's through -- on the other side of the duty
8 room is the BAC room, which is where we have our BAC
9 machine, and then down the hall is towards booking.

10 Q. And so you heard noise like thumping. What
11 else?

12 A. I heard a female screaming.

13 Q. You heard a female screaming, and what did you
14 do then?

15 A. I looked up and I saw that Assistant Chief
16 Leonardi, his room is across the room from the duty
17 room, and he looked up as well and we got up and went
18 to the jail.

19 Q. All right. At that time were you armed?

20 A. Yes.

21 Q. And did you go into the jail with your weapon?

22 A. No.

23 Q. What did you do with your weapon?

24 A. I locked it in a lockbox before walking into the
25 jail.